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FILE NO: 74096.000007

July 13, 2012

VIA EMAIL AND OVERNIGHT MAIL

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement, M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706



FILE COPY

Re: Quarterly Progress Report – Second Quarter 2012
Administrative Order on Consent for Nu-West CPO Facility
Docket No. RCRA-10-2009-0186

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

I. Work Plan for Additional Requirements

The following activities were conducted during the second quarter of 2012, pursuant to the EPA-approved Work Plan for Additional Requirements:

- Nu-West provided a letter to EPA dated April 20, 2012, responding to EPA’s March 13, 2012, letter commenting on the following three reports:
 - i. Letter Report regarding Discrete Interval Groundwater Sampling, dated January 18, 2012



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- ii. Letter Report regarding Groundwater Sampling of Wells A-13 through A-21, A-23, and A-25, dated January 24, 2012
 - iii. Letter Report regarding Video Log and Flow Meter Testing of Mountain Fuel Well, dated January 25, 2012
- Nu-West submitted a report to EPA and IDEQ dated April 26, 2012, presenting the findings of investigations performed in 2011 pursuant to the EPA-approved Work Plan for Additional Requirements at the Nu-West Industries, Conda Phosphate Operations Facility in Soda Springs, Idaho.
 - Nu-West submitted to EPA and IDEQ on June 29, 2012, the Final Revised Addendum to the Work Plan for Additional Requirements concerning the drilling and geophysical logging approach for six (6) boreholes to be installed in the vicinity of the seismic survey transects. EPA approved the addendum the same day.
 - Nu-West and WSP participated in a teleconference with EPA and IDEQ on June 20, 2012, to discuss, among other things, Nu-West's proposed approach to aquifer testing. Nu-West agreed to submit (and did submit) an outline on the proposed approach to aquifer testing to EPA on July 9, 2012.
 - Nu-West and WSP participated in a teleconference with EPA and IDEQ on June 27, 2012, to discuss, among other things, additional wells along ERI Transect #3. Nu-West agreed to submit (and did submit) a Second Addendum to the Work Plan for Additional Requirements concerning the drilling and geophysical logging approach for these additional wells to EPA on July 10, 2012.

Supplemental Soil Investigation Work Plan

- Nu-West submitted a letter to EPA on May 7, 2012 requesting additional time to submit a Revised Supplemental Soil Investigation Work Plan. EPA approved the request on May 7, 2012.
- Nu-West and WSP participated in teleconferences with EPA's technical staff on May 1 and 7, 2012, to discuss the 2012 scope of work for the Revised Supplemental Soil Investigation Work Plan. During a teleconference between Nu-West, WSP, EPA, and IDEQ on June 14, 2012, EPA agreed to an additional extension for submittal of the



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Revised Supplemental Soil Investigation Work Plan while issues were resolved regarding approval of the drilling approach.

- Nu-West submitted to EPA on June 25, 2012, the Supplemental Soil Investigation Work Plan (now titled the “Revised On-Site Supplemental Investigation Work Plan”).

II. Offsite Soil Sampling Plan

The following activities were conducted during the second quarter of 2012, pursuant to the EPA-approved Offsite Soil Sampling Plan:

- Nu-West and WSP participated in a teleconference with EPA on April 13, 2012, to discuss the approach to statistical evaluations of background and offsite sampling data, as a follow up to the Letter Report regarding Background Soil Conditions and Proposed Soil Screening Levels, dated February 2, 2012.
- Nu-West submitted a letter to EPA dated April 26, 2012, responding to EPA’s correspondence dated April 6 and 19, 2012, regarding the calculation of background screening levels. In this letter Nu-West presented soil concentrations, comparative values for background, and a schedule for the analysis of deeper soil samples.

III. Groundwater Sampling

- Nu-West conducted semi-annual groundwater sampling in May 2012; the groundwater sampling results will be submitted to IDEQ and EPA in the third quarter of 2012.

IV. Surface Water Sampling

- Nu-West conducted a second surface water sampling event in April 2012 in Woodall Spring Ditch to evaluate water quality; the sampling results will be submitted to EPA in the third quarter of 2012.



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In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Brian Barne".

for P. Scott Burton

cc: James Cagle, Nu-West
Barry N. Burnell, IDEQ

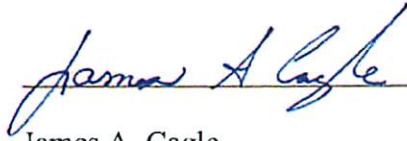
Attachment

ATTACHMENT A

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____



Name: _____

James A. Cagle

Title: _____

Senior Environmental Specialist

Date: _____

07/16/2012